

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**JERMAIN D. EVANS**

**PLAINTIFF**

**V.**

**4:20CV00754 JM**

**DAVID BEVIS, et al,**

**DEFENDANTS**

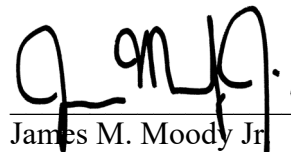
**ORDER**

Pending is the Defendants' motion to dismiss without prejudice for failure to prosecute. Plaintiff has responded.

Rule 37(d) of the Federal Rules of Civil Procedure allows a district court to dismiss an action when a party fails to respond to discovery requests. *Harris v. Santucci*, 2020 WL 5900630, at \*1 (E.D. Ark. Sept. 9, 2020) (citing *Aziz v. Wright*, 34 F.3d 587, 589 (8th Cir. 1994) (“[n]o motion to compel is required before dismissal under Rule 37(d).”). Defendants submitted their First Set of Interrogatories on September 24, 2020. Defendants' counsel has requested responses to the discovery requests on many occasions. Plaintiff has not provided any responses. Therefore, the Court finds it appropriate to dismiss this case without prejudice for failure to prosecute.

Defendants' motion to dismiss without prejudice (ECF No. 11) is GRANTED. The Clerk is directed to close the case.

IT IS SO ORDERED this 24th day of May, 2021.



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James M. Moody Jr.  
United States District Judge